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NO. 946 P. 9

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HU et al.

Attorney Docket No.:

01-377/1D/LSI1P180D1

Application No.: 10/750,348

Examiner: NHU, David

Filed: December 31, 2003

Group: 2818

Title: METHOD OF PREVENTING RESIST
POISONING IN DUAL DAMASCENE
STRUCTURES

Confirmation No.: 9464

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to fax number (571) 273-8300 to the U.S. Patent and Trademark Office on August 1, 2005.

Signed: _____

Sue Panchess

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TO OBVIATE AN OBVIOUSNESS-TYPE
DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner(s), LSI Logic Corporation, of the entire interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and §173 of prior United States Patent No. 6,713,386 B1 (hereafter "prior patent"), as presently shortened by any terminal disclaimer. The owner(s) hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and §173 of the prior patent, as presently

shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent or attorney of record.

If the required fees are not enclosed or additional fees are required to facilitate filing of this paper, please charge such fees or credit any overpayment to Deposit Account No. 12-2252 (Order No. 01-377/1D).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



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